

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

D.J., Administrator of the Estate of J.J.,  
deceased;

*Plaintiff,*

v.

THE BANK OF NEW YORK MELLON  
CORPORATION FLEXIBLE BENEFIT  
PLAN and THE BANK OF NEW YORK  
MELLON, a New York institutional banking  
entity,

*Defendants.*

Case No. 2:22-cv-1127

Hon. Arthur J. Schwab

**CONSENT MOTION TO AMEND CASE CAPTION**

And now comes counsel for the Defendants in the above-captioned matter (the “Action”) and moves to amend the case caption of this Action as follows:

1. The Court held an Initial Case Management Conference on February 8, 2023, during which Plaintiff agreed to consent to a Motion to Amend the Case Caption in order to reflect the correct corporate Defendants.

2. During the Conference, counsel discussed the identity of the correct Defendants, and counsel for the Plaintiff agreed to consent to the amendment of the case caption to reflect the correct Defendant, The Bank of New York Mellon, in accord with the representations made by Defendants in their Answer and Affirmative Defenses to Plaintiff’s First Amended Complaint [ECF Doc. 23], at 1, n.1.

3. Therefore, Defendants request that the case caption of this Action shall be amended to correctly identify the sole Defendant as “The Bank of New York Mellon” in order to allow the litigants to properly discuss the claims at-issue and streamline resolution of this Action.

4. All subsequent references to “Defendant” in any and all pleadings, notices, motions, and any other documents filed with this Court or served upon the Parties shall be understood to reference The Bank of New York Mellon.

WHEREFORE, it is respectfully requested that the Court grant this Consent Motion and enter an order in substantially the form submitted herewith.

Dated: February 9, 2023

Respectfully submitted,

/s/ John R. Gotaskie, Jr.

John R. Gotaskie, Jr.

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*Counsel for Defendants, The Bank of New York Mellon Corporation Flexible Benefit Plan (the “BNYM Plan”) and The Bank of New York Mellon (“BNY Mellon”)*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 9<sup>th</sup> day of February, 2023, I filed the foregoing Consent Motion to Amend Case Caption via the Court's CM/ECF System:, thereby effectuating service on all counsel of record.

By: s/ John R. Gotaskie, Jr.  
John R. Gotaskie, Jr., Esq.  
PA Bar I.D. No 81143

*Counsel for Defendants, The Bank of New York Mellon Corporation Flexible Benefit Plan (the "BNYM Plan") and The Bank of New York Mellon ("BNY Mellon")*